

*Commentary*

The Limits of Conditionality

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*Introduction*

In an article that appeared in a previous number of this journal, Arolda Elbasani (2004) discusses the EU conditionality effect on Albania. The author argues that Albania's democratic institutions have been "used and abused" by domestic political actors in their struggle for power, and she concludes that "Albanian democratization could have a different trajectory without the presence of the EU pushing for and directing reforms."

Without necessarily opposing such a conclusion, I will argue that both the conditionality approach and Elbasani's article have shortcomings that preclude them from reaching such conclusions. Some of the shortcomings in the article are products of the theoretical framework in which she places her argument; others are issues of a problematic research design. The major flaw in the conditionality approach is that this theoretical explanation can only fit in with one research program: the institutionalist one.<sup>1</sup> Second, I think that the research design of Elbasani's article allows for limited results only. The following two sections discuss each point separately, while the third, concluding section, summarizes my argument.

*The limits of conditionality*

The recent growing democratization literature has tended to go beyond the limits of the state-as-the-only-actor conception by placing the state within the framework of a domestic stage with multiple actors. This body of literature has also tended to reject the notion that democracy can be restricted by national boundaries, and instead makes it dependent on trans-national and international factors, rather than on domestic forces alone (Deth 1999, Keohane 2002). Advocates of this approach claim that domestic developments are the results of a complex interaction between domestic and international actors (Schmitter 1996: 27-28; Grugel 1999: 5; Schmitz and Sell 1999: 33). They view international norms, models, and democracies as potential actors that can shape perceptions and direct behavior (Schmitz and Sell 1999: 25). European scholars who advocate this approach, however, ignore the hitherto existing literature that explains the international politics impact on domestic politics, developed

primarily by US international relations students.<sup>2</sup> This circumvention happens not only in research that assumes states are the only unitary actors, but also in research that has developed comprehensive answers to the influence of international norms on domestic politics, assuming that the international theater is the stage where multiple state and non-state actors act, react, and interact according to predetermined rules and norms.<sup>3</sup>

The concept of conditionality as an international policy tool has been explored by authors who have analyzed the conditions under which international financial institutions offer loans to countries.<sup>4</sup> Since the mid 1990s, a school of European political scholars has done considerable work in contextualizing a new form of conditionality that is shaping contemporary international relations.<sup>5</sup> According to its adherents, this conditionality approach arose out of the necessity to fill the gap that existed before the 1990s in the international relations theory, which, while relatively good at specifying the effects of international politics on domestic issues at the level of nation-states, was much less well-equipped to deal with the phenomenon at the sub-national or supranational levels (Schmitter 1996: 28). In these circumstances, conditionality was called upon to explain the influence of international regional and global contexts on regime change and democratization (Schmitter 1999: 28). This new approach argues that “international influences, such as pressures generated from political conditionality and internationally based norms and models, may actually change the course of domestic politics” (Schmitz and Sell 1999: 25).

However, as noted above, the explanatory range of the concept of conditionality is very narrow, and so scholars who employ the conditionality research program have tried to widen that range. Thus Grugel (1999), critiquing the transitology approach, points out that it sometimes mistakes the existence of institutions, such as elections or parliaments, for democracy itself. According to her, transitology has also been criticized for not paying sufficient attention to how cultural, socioeconomic or historical legacies shape the outcomes of the process of regime change (Grugel 1999: 5). This observation suggests that structuralist and culturalist elements, mingled with a strong institutionalist trend, characterize the nature of the conditional explanation. Grugel argues that the structuralist and culturalist elements determine the regionalist nature of democratization--bolstering an earlier conceptualization of democratization by Whitehead (1996: 5)--while the institutionalist element comes from the role of external actors. Whitehead (1996:4) summarizes that the tools with which the international environment affects a country's democratization are contagion, control, and consent. Schmitter adds a fourth one to those three elements: conditionality. The position of conditionality in Schmitter's table suggests that it is the political product of a multilateral body (European Union, the Organization of African Unity, the International Monetary Fund, the International Bank for Reconstruction and Development), and delivered to the receiving country in the form of “at least the threat, if not the exercise, of coercive authority” (1996: 30).

Yet there is considerable confusion regarding the nature and place of the concept of conditionality in international relations, and serious problems in the

concept's use. So, Schmitter notes that elements of conditionality have often been required to change a regime (1996: 35). However, a few paragraphs later he points out that external intervention will be more effective during the process of democratization than during the phase of regime change (1996: 33, 40). So the role of conditionality appears to be unclear. Nor is there a consensus regarding the tools that conditionality uses in order to achieve its goals.

Whereas Schmitter argues that multilateral actors deliver *threats* of coercion rather than directly *coercing* other countries, Elbasani - referring to Pridham (2000: 298) - maintains that conditionality relies more on persuasion and temptation rather than on coercion (2004: 26). Schmitter's concept of conditionality does not have any significant differences from the concept implemented by some international financial institutions, except for the fact that, in this case, its major concern is the democratization of the country receiving the threats. This seems to differ from the IMF's definition of conditionality because it is more interested in the political and institutional performance of the recipient than in its economic development. But it is not difficult to understand that this "neo-conditionality" - as opposed to the conditionality of international financial institutions - is not as "soft" as it has been presented by some authors (Pridham 2000; Elbasani 2004). In the case of the EU's policy of "sticks and carrots," the EU certainly uses more than persuasion and temptation; it aims to alter the political attitudes of other countries through the use of traditional forms of coercion and seduction.

Schmitter's neo-conditionality approach is a rational one: it assumes that a multilateral actor sends its demands to a country deliberately. Employing the categorization of March and Olsen's logic of action, this neo-conditionality is based on "a logic of consequences" in an environment where outcomes of politics, including the dynamics of political order, are implicit in environmental constraints as functional rationality suggests. Schmitter's neo-conditionality therefore falls within the category of functional rationalism. In contrast, Pridham's neo-conditionality seems to fall under the category of functional institutionalism because he views a country's actions as rule-based, its institutions as norms, and its individual actors as seeking to fulfill their identities (2000). Yet March and Olsen note that "rules, norms, identities, organizational forms, and institutions that exist are inexorable products of an efficient history" (March and Olsen 1998: 958).<sup>6</sup> According to Schmitter's neo-conditionality, senders (usually international organizations) send the terms of multilateral conditionality to recipients (usually countries in the process of democratization) deliberately in order to affect the historical development of the country. In contrast, Pridham's neo-conditionality is not deliberately sent to recipient countries out of any selfish interests by senders. Rather, it is a democratic spillover from the international democratic institutions to democratizing countries, and it only happens because doing so reasserts the democratic identity of those international democratic institutions. Both of these versions of neo-conditionality, however, believe that external intervention can improve the

chances of recipient countries toward democracy, and so they both view history as efficient.

The basic limits of neo-conditionality stem from the limits of the institutionalist research program. Such a program furthers understanding of both the growing role of non-state actors on the international stage (Finnemore 1996), and the spillover effects of regional development (Whitehead 1996, Grugel 1999), but it neglects agency, and fails to identify the mechanisms by which social structure produces change and the content of the social structure itself (Finnemore 1996: 343).

Some of the forerunners of neo-conditionality have referred to EU conditionality for Eastern European countries to test their arguments (Whitehead 1996; Schmitter 1996; Grugel 1999; Pridham 1999). Their approach has overcome the problem of the mechanisms' misspecification that Finnemore recognizes as one of institutionalism/structuralism weaknesses. As we saw above, for one school using this approach, the mechanism is composed of conditions deliberately sent from the EU to democratizing countries in Eastern Europe; for the other, it is a democratic spillover from the EU to Eastern Europe. Yet the neo-conditionalist approach still shares the other weakness of the institutionalist/structuralist approach: the content of the social structure itself.

The common problem of the neo-conditionalist literature is that while it pays considerable attention to explaining the condition-senders' motivations, it usually neglects the motivation behind a condition-receiving country's actions. If those actions are rationally motivated, then leaders of condition-recipient countries should implement reforms as fast as and as far as their rational interests dictate. This logic further narrows the applicability of conditional approach and raises the question of whether recipient-countries might resist conditions in a way similar to how they would resist foreign sanctions.<sup>7</sup> But if senders' actions are motivated by the logic of appropriateness implemented in an efficient history environment--that is, Grugel's regional democratization--then Whitehead's contagious political influence is a one-way street that does not allow the leaders of a recipient-country room for making a choice; all they can do is wait passively until the democratic breeze coming from their democratic neighbors transforms them and their societies. In this case the interests of the leaders of a recipient country are assumed to be trivial because only the senders' actions count.

Moreover, neo-conditionalists focus only on those EU-sent conditions that allegedly would simultaneously improve a recipient country's chances for democratization and undermine the possibilities for an authoritarian backlash. Yet the EU continues to condition its relations with other countries, including those undergoing democratization, on issues not directly linked to the process of democratization. For example, the external wing of the EU asylum and immigration policy, far from being concerned with issues of democracy, reroutes rejected Middle Eastern and Central Asian asylum seekers who might have used the Balkans as transit countries from EU territories, to some Southeastern European countries (Peshkopia 2004, 2005a, 2005b). Ever since the European Council of Essen, Western efforts to combat illegal immigration and to reduce

the number of asylum seekers on the territories of EU member states have focused on the export of restrictive policies largely dictated by the policies of EU member states (Geddes 2003: 179-190; Jileva 2002: 75; Lavenex 1999: 115-124). The export of those policies - labeled the EU Justice and Home Affairs (JHA) *acquis* - to the East has happened without taking into consideration the sensitivity and preferences of Central and Eastern European countries (Jileva 2002). This weakness, along with the need to overcome the endogeneity problem present in the EU conditionality, which I will discuss later, calls for a partition of the independent variable into conditions sent to different policy areas out of different motivations. The selection of cases in which EU conditionality has been sent out of the concern to assist the democratization process in transition countries, based on the EU inherent need to undertake such an action by virtue of its asserted commitment to democratic principles, as the neo-conditionality approach assumes, might lead to a considerable limitation of cases where a neo-conditional explanation is appropriate.

*The EU conditionality in action: the Albanian case.*

As noted above, Elbasani attempts to test the effect of EU conditionality on Albanian democracy empirically. Nevertheless, although the author asserts that, "Albanian democratization could have a different trajectory without the presence of the EU pushing for and directing reforms," she does not provide evidence for this claim. Nor does the article pose a clear question. According to the author, her study "dwells on both the external and domestic factors that determine the mechanisms of norm assertion in the domestic area," a topic that has often been researched into before and is the subject of a substantial literature in international relations and comparative politics that supports such a claim. A more interesting enterprise would have been the attempt to determine under what conditions and to what extent domestic politics and international politics affect each other, like Schmitz and Sell (1999: 24), who focus their research on the identification of *linkages* between the inside and the outside of domestic political change

Moreover, problems with her research design prevent the author - and the reader - from reaching any definitive conclusions on the topic. First, although the author identifies the endogeneity problem in the neo-conditionality research program, she does not attempt to overcome it; on the contrary, she continues as if this problem did not exist. Yet the literature suggest various ways to escape this problem, e.g., rather than study the problem as a whole, separate the dependent variable and then study only those parts that are the consequences, rather than causes, of the explanatory variable (King, Keohane, and Verba 1994: 188-189). As Grugel suggests, there are other elements to democratization besides institutions, including elections and parliaments. This is a signal that democratization, as a dependent variable, can be split into several elements, and we can choose to study any one of those elements that might have been outside the interests of domestic actors, but within the focus of EU-sent conditions (e.g.,

the asylum and immigration issues, the treatment of the inmate population, border control, etc.).

It would also be possible to do the opposite, to disentangle the explanatory variable and ensure that only those parts that are truly exogenous are included in the analysis (King, Keohane, and Verba 1994: 193-196). In this case, rather than considering conditionality as a unified policy, we can divide it into separate conditions sent to separate policy areas of the recipient country, then analyze only the policies that would obviously have not been developed without the EU conditions (e.g., a fair electoral process, especially particular elements, such as the voters' registration process; the mechanism for counting votes; the articles of the Electoral Code relating to the composition of the Electoral Commission of the Voting Center, etc.).

The author also introduces the concept of "Albanian uniqueness" without supporting it theoretically. So instead of considering Albania as a randomly selected case that shares most of the common characteristics of other Balkan and Eastern European countries, she introduces a selection bias with which she then has to struggle with throughout the article. The concept of the "uniqueness" of the condition-receiving countries is not a factor in the existing conditionality theoretical framework. In addition, the author does not attempt to enrich the existing conditional approach with the element of the uniqueness of the receiving countries. Consequently, as a redundant independent variable, "Albanian uniqueness" increases the research costs and distracts both the author and the reader from the main issue. Finally, the historical facts that she adduces show that Albania has been, and continues to be, no more unique than any other country.

But the concept of the Albanian uniqueness does not preclude us from using counterfactuals that bear the same bias. In this case, the concept causes a systematic error of measurement, but we can still understand the trend of the development in the case of Albania before and after the year 1997, when the EU conditionality on the Balkans was introduced. However, if we abandon the idea of uniqueness, we can then compare Albania with other Balkan and Eastern European countries.

Her using the phrase, "Albanian democratization could have a different trajectory without the presence of the EU," suggests that the author is using either counterfactuals or actual case comparisons to test her hypothesis. In fact, she does neither. Whenever one hypothesizes that A is the cause of the event B, one has only two possible strategies to test one's hypothesis empirically: either one can construct an ideal case where A is absent and inquire whether B would have occurred in that counterfactual case, or one can compare the given case with other actual cases that are similar (Fearon 1991: 171). Despite the methodological risks run by both these strategies, they are the only tools we have to analyze these cases.<sup>8</sup> For instance, relying on the first method, the author could have persuasively depicted an ideal Albanian development without the conditionality. Relying on the second method, she could have compared Albanian developments before the conditionality introduction with the

developments after the introduction. Another possibility could have been to compare Albania with another very similar country upon which the EU is not exercising political pressure.

More concretely, while the author provides a list of what she considers to be the “principal milestones in the relations between the EU and Albania,” what her research needs is the historic date of the introduction of the conditional relations, 1997, and a comparison of the process of democratization in Albania before and after that date. The analysis would benefit from a list of principal milestones in the Albanian democratization process. A careful comparative analysis of this process before and after the introduction of EU conditionality would give a clearer image of whether this conditionality is attaining the desired results. Furthermore, she could escape the problem of endogeneity by splitting the dependent variable (Albanian democratization) into several elements and analyzing one feature that obviously would have continued to be unchanged, or would have changed insignificantly if is not for the EU intervention. Elbasani’s work would benefit from a discussion of the methodological risk that this method bears, that is, the fundamental problem of causal inference.

Alternatively, the author could compare the Albanian democratization with that of other countries in similar geopolitical and historical conditions, but whose democratization processes are not under any deliberate political pressure from the EU. Thus, the entire democratization process in Albania, or discrete elements of it, could be analyzed vis-à-vis their counterparts in actual cases that are comparable. The more equal the values of the respective dependent variables, the less likely the EU conditionality exercises any role in the analyzed process.

The author might also have chosen to analyze the quality of the electoral process over time, a condition that has recently been stipulated forcefully by the EU as paramount in the progress of Albania toward the Stabilization and Association Agreement. There were seven rounds of national elections before the EU introduction of the conditional principle. One has been deemed “unacceptable” (the parliamentary elections of May 1996), another as “developed under maculated environment” (the local elections of October 1996) (Zogaj 1996, 1998a, 1998b), and a third as “acceptable,” bearing in mind the conditions under which they were developed (the parliamentary elections of June 1997). Since 1997, the EU has deemed the Albanian elections, both parliamentary and local, as “a step forward,” but it has still recommended a long list of elements that need to be corrected (Zogaj 2005). That the EU continues to be intensively interested in the issue of free and fair elections in Albania, and that it links the correctness of this process to Albania’s progress toward EU integration, shows that the country is far from holding an acceptable electoral process.<sup>9</sup> In the end, this also suggests that eight years after its introduction, EU conditionality has had little positive effect on the Albanian electoral process.

Elsewhere I have argued that some Balkan countries, including Albania, are establishing asylum systems not because they need them, but because the EU is stipulating that they establish these institutions in order to progress toward EU membership (Peshkopia 2004). I have argued that some of these countries easily

yield to EU demands, while others take longer to establish an asylum capacity, and that progress is related to the weight that asylum and immigration have on domestic politics. Usually, countries with a lower number of asylum seekers are more prone to accept EU demands in this field. In any case, they do not have a domestic policy on an issue that is not a domestic problem. For countries with a higher number of asylum seekers, the issue is important to domestic policy, and so they tend to resist EU demands. Even so, all Balkan countries are implementing asylum policies according to EU demands. So we can conclude that in this case EU conditionality has been successful.

These two examples suggest that EU conditionality is both a failure and a success. This conclusion raises a series of important questions. When does conditionality work? What are the domestic and international factors that contribute to the success or the failure of conditionality? Is there a major difference between conditionality and other means of altering another country's policy, such as sanctions? These questions need answers that might help us better define the role of conditionality in international relations.

### *Conclusions*

The aim of this discussion was to uncover some of the limits and weaknesses of the conditionality approach. Some of its limitations stem from the institutionalist research program in which it is based; other limitations are related to its own conceptualization. Thus, the conditional approach, like other institutionalist/structuralist approaches, focuses only on the roles played by institutions and structures; it does not take into account the role of agents in international relations. Although neo-conditional theories have given insights about the tools democratic countries use to export democracy to democratizing countries, the conditional approach does not heed the behavior and the motives of those who import democracy. Finally, I tried to show how an imperfect research design limits the explanatory power of the conditionality approach.

### **ENDNOTES**

<sup>1</sup> For a deeper understanding of institutional perspective in international relations, see March and Olsen (1998), Finnemore (1996), and Keohane (2002).

<sup>2</sup> See Gourevitch (1978); Cotton (1986); Putnam (1988); Bueno de Mesquita, Siverson and Woller (1992); Bueno de Mesquita and Siverson (1995); Fearon (1994, 1997, 1998); Smith (1998); Bueno de Mesquita, Siverson, and Smith (1999); Bueno de Mesquita, Morrow, Siverson, and Smith (1999); Schultz (2001).

<sup>3</sup> See for example, the research of adherents to regime theory Garret and Lange (1995); Cortell and Davis (1996); Finnemore (1996).

<sup>4</sup> See Bienen and Gersovitz (1985).



<sup>5</sup> See especially Laurence Whitehead's, *The International Dimensions of Democratization*, 1996, and Jean Grugel's *Democracy without Borders: Transnationalization and Conditionality in New Democracies*, 1999.

<sup>6</sup> For more on four perspectives of institutionalism, see March and Olsen (1998).

<sup>7</sup> For more about international sanctions, see Wallensteen (2000).

<sup>8</sup> The methodological risk in the first case would stem from the dilemma related to how we can know what would have happened with any degree of confidence (Fearon 1991: 173)

<sup>8</sup> The risk of the second case would be what Holland considers to be the fundamental problem of causal inference (Holland 1986), that is, "no matter how perfect the research design, no matter how much data we collect, no matter how perceptive the observers, no matter how diligent the research assistant, and no matter how much experimental control we have, we will never know a causal inference for certain" (King, Keohane, and Verba 1994: 79). The reason for this is that we cannot re-run history along the same track as previously, save for the explanatory variable that interests us.

<sup>9</sup> For more information on the EU pressure to Albania for free and fair elections see Koha Jone. 2004. "Pack: Zgjedhjet, e vetmja mundesi per integrimin," 6 December; Koha Jone. Pack: Nano ma solli ne maje te hundes," 7 October; Koha Jone. 2004. "Doris Pack: Ne Shqiperi dhe ne vendet e pasluftes situatet e njejte," 6 October; Gjymshana, Viron. 2003. "Brukseli pret ndryshime," *Koha Jone*, 11 November.

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